THE LABOR QUESTION AND THE SOCIAL PROBLEM.

FREQUENT recurrence to the fundamental principles of civil liberty is advised and enjoined by the constitution of Illinois. Let us obey this excellent injunction and consider the "labor question," in its present aspects, in its relation to those first principles. Much of the confusion which characterizes the current discussion in the daily press is plainly traceable to ignorance or neglect of those principles.

There is evidence on all sides of a strong reaction against labor organizations—their tacit or explicit claims, and their methods. Certain extremists believe that unionism can be "stamped out," and they honestly assert that we *must* stamp it out if we would preserve American liberty and American opportunity. Moderate employers admit the possibility of useful and even laudable unionism, while bitterly condemning unionism "as now taught and practiced." The former view is unworthy of serious consideration; but how much truth is there in the latter view?

To answer this question, we must determine, not merely what unionism professes to be, but what it actually is. Short views and half-truths are especially dangerous in these premises.

Let us start with a suggestive hypothesis. Suppose a number of men, unlabeled, unclassified, and unattached to any "cause," should by deed, if not by word, declare war upon law and order; should, in contempt or defiance of accepted standards, more or less regularly violate the rights of person and property, and the peace of the community; should, in pursuit of selfish ends, habitually resort to violence, threats of violence, riotous demonstrations, obstruction of traffic and of industry, and aggressive interference with quiet citizens seeking to exercise their legal and moral rights. Suppose all this, and ask what sort of treatment such an element as this would receive. Would there be any difference of opinion as to the duty of the government and of the public in that situation? Would any class condone or apologize for

the conduct of such a band of Hooligans? Would the authorities be likely to display weakness or vacillation in dealing with it?

Now, what difference is there between the case we have supposed and the case of so many of our trade unions? This, and this only—that the unionists and their sympathizers commit all manner of lawless acts in the name of a vague right or principle, though no union would venture to put forth a frank defense of violence and invasion. We know that disorder, assaults on persons and property, insurrection on a small scale, attend a very considerable proportion of our strikes and industrial disputes. We also know that the authorities are extremely loath to suppress strike-begotten disorder, and that public opinion not infrequently excuses it or, at least, remains neutral and indifferent.

Professor John B. Clark, in an article published several months ago, aptly described the present policy toward violent strikes as acceptance of a limited amount of anarchy. The state, he pointed out, winked at intimidation and coercion by strikers and withheld effective protection from the "scab." Why is interference with the right to work and the right to carry on business tolerated? Because, answered Professor Clark, the public is not quite ready for "free strike-breaking." He continued: "We are pursuing a wretched, compromising course, protecting non-union workers sometimes and abandoning them at other times, and seldom giving the amount of protection that would make life and limb, family and property, completely safe."

And why do we act thus? Why is the public not quite ready for the most vigorous, fearless, and resolute enforcement of the law against lawless strikers? Professor Clark does not put this question, but there is little doubt as to what the correct answer is. Many feel that labor has a grievance, that it is more sinned against than sinning, and that, in colloquial phrase, "it is human nature" for classes conscious of wrong and injustice to overstep the bounds of prudence and reason in offering sporadic and ill-directed resistance to the supposed oppressors. In other words, we feel that the labor problem is part and parcel of a

larger and deeper, and infinitely more difficult problem—the problem for which we have such alleged solutions as collectivism, the single tax, Christian socialism, Tolstoyism, communism, and philosophical anarchism. In many, no doubt, this feeling is extremely vague, but it none the less influences conduct and judgment.

This *a priori* explanation is confirmed and re-enforced by inductive reasoning. What, for example, is the attitude of the consistent socialist of the Marx-Engels school toward the labor or trade-union movement? It is one of scorn, distrust, contempt in theoretical discussion, and of sympathetic interest in practical life. The socialist will tell you that the unions are wasting their energies and running their heads against a stone wall; that nothing of material consequence can possibly be accomplished along their lines, owing to the iron law of wages, the essential nature of capitalism, the helplessness of the individual employer, and so on. "The expropriators must be expropriated," is his formula, and labor cannot come into its own under any condition short of the nationalization of the means of production and the elimination of competitive industry.

And our socialist is consistent. He regards rent, interest, and profit as different forms of "surplus value"—value created by the wage-worker and unjustly withheld by the capitalist. He agrees with the employer that the demands of labor for a larger share of the product cannot be met if interest, rent, and profit are to be paid as heretofore. He therefore concludes that trade-unionism is a futile and ignorant attack on mere symptoms.

At the same time the socialist is profoundly indifferent to the woes of the maltreated employer and the persecuted "scab." He blames the system for the friction, conflict, and evil seen on every side; the aggressive unionist striker is to him as miserable a victim of a vicious order as the assaulted non-unionist or the struggling employer. All this violence, he says to himself, is inevitable. It precedes and foreshadows the great social revolution which alone will permanently solve the labor problem by doing away with capitalistic production, wages, and competition.

What has been said of the collectivist may, with some

modifications, be said of the philosophical anarchist. To assure the toiler the full product of his labors, says this radical reformer, you must abolish all monopoly and all special privilege—you must establish absolutely free competition and equality of opportunity. Rent, interest, and profits, according to the philosophical anarchist, are results, not of private control of capital, but of state-conferred and state-protected monopoly in land, currency supply, trade, etc. Since the trade-unionist, *qua* trade-unionist, has no quarrel with rent, interest, and profit, the philosophical anarchist, like the collectivist, sadly smiles at his fruitless effort and misdirected energy. And when the anarchist sees or reads of strikers' violence and disorder, he says "accidents of war," and passes by.

At the trial of the case of the anthracite mine operators *vs.* their striking employees the attorneys for the miners frankly referred to "the state of war" existing between capital and labor, and told the Gray Commission that the rioting, intimidation, coercion, and assaults which had attended the contest should be stoically viewed as the natural concomitants of war. These observations puzzled and astonished many of our editors. They did not know that the miners' attorneys were social radicals, and that their statements were commonplaces of the literature of radical reform. It is but fair to add that counsel appeared not to realize that this excuse implied an abandonment of the conservative position they were supposed to occupy in favor of one which the miners and their leaders would have repudiated.

And this parenthetical remark brings us to the leading point of this discussion. How do the trade-unionists *themselves* justify and excuse the excesses and abuses of this movement? *They* are neither socialists nor anarchists, neither single-taxers nor communists. *They* would indignantly disclaim any intention to overthrow the present industrial order. *They* do *not* assert the existence of a state of war between capitalism and labor. They are as conservative, theoretically, as the great majority of the employers. They accept the existing politico-economic system, with all that *necessarily* flows therefrom. They do *not* seek to deprive the capitalist of interest and profits. They merely demand a larger

share of the joint product, appealing, not to any scientific criterion, but to "the law of supply and demand" as expressed by the haggling of the supposedly free market.

Now, what is a free market? At one time the Manchester school of economists took the ground that a free market implied unrestricted individual competition both among capitalists and among wage-workers. Collective bargaining, even when absolutely free from the slightest coercion, was condemned as a violation of industrial freedom. Each employer was held to be bound to deal with labor as an individual: he was sternly forbidden to consult and agree with other employers as to the wages he should offer, the length of his working day, and the sanitary conditions of his shop. Such an agreement was deemed a conspiracy against labor. Each employee, similarly, was told that he had no right to enter into any combination for the purpose of extorting better terms than employers were under the necessity of proposing to competing individual workmen.

But this illogical and shallow view has been abandoned. All economists and all thinking men will accept the following definition of a "free market": a condition under which the wages of labor and the return to capital are determined by the play of non-invasive forces and economic factors. This definition comprehends combinations of capitalists and of laborers to control or affect wages. It is absurd to say that the rights of the capitalist are infringed upon when five (or five hundred, or five thousand) employees confront him in the market as a unit; and it is equally absurd to contend that the freedom of the workman is invaded when the capitalists act together in engaging their help.

But the market is not free when workmen say to some or all capitalists: "If you refuse to employ us on our terms, no one else shall be permitted to work for you." Violence is invasion; intimidation is invasion; and the market is not free when either side yields, not to economic necessity, but to physical force or threats of such force. It is not always easy to draw the line, however, between the exercise of equal liberty and the exercise of improper compulsion or tyranny. Where, in the industrial field, does invasion begin?

No self-respecting and enlightened unionist will claim the right to assault, molest, or intimidate the employer or the non-union laborer. The leaders of organized labor cannot always control the ignorant and reckless, but there is no reason for doubting their sincerity when they declare, as Mr. John Mitchell did at the time of the coal strike, that the worst enemy of unionism is he who, as member or sympathizer, resorts to violence and disturbs the peace. Employers point out, with justice, that the leaders do not sufficiently discourage the use of violence by their followers. How many violent strikers or aggressive pickets have been expelled in disgrace for their misconduct? Be this as it may, theoretically there is complete unanimity as to the immorality and inexpediency of violence and intimidation as a feature of industrial disputes.

Here, unfortunately, agreement begins *and ends*. Beyond this point there is confusion. Many practices which union labor vigorously defends and boldly threatens to continue are bitterly denounced by the employers and the majority of newspapers as vicious, odious, un-American, and invasive. The reference is to picketing (watching and besetting), boycotting, threats of boycotting, sympathetic strikes, and refusal to work with non-union men (opposition to the "open shop"). If organized labor consented to eschew these practices, the hostility toward it would quickly disappear; but neither admonitions, sermons, damage suits, nor judicial decisions will induce labor to surrender these weapons. It earnestly denies that the use of them involves invasion, destruction of the free market, and when you call its attention to judicial utterances condemnatory of the practices, either the judges are accused of prejudice and bias, or else other judicial opinions are cited in which the opposite doctrines are expounded and applied.

The fact is, the labor leaders have adopted *radically individualist* views. A singular change has come over the spirit of their position. They are still charged with socialistic proclivities, and it is true that some of their legislative proposals are utterly incompatible with the individualistic creed. But read the speeches and editorials of Messrs. Gompers, Mitchell, Kidd, *et al.*,

and you will find that their defense of the above-named practices is more Spencerian than Mr. Spencer's "Justice." Students of the "new unionism" will appreciate the theoretical significance and practical importance of the phenomenon.

Whatever one's personal conviction may be as regards these vital questions, he cannot hope to influence either capital or labor unless he possesses a thorough knowledge of the position to be combated.

To observe proper sequence, we must begin with the strike. This need not detain us, since the courts and the employers recognize without reservation the right of any man, and of any number of men acting either severally or in concert, to quit their employment for any reason whatever, or without any reason at all. The correlative right of the employer to "lock out" his men is equally clear and indisputable. A few years ago, it is true, organized labor procured certain statutes prohibiting employers from discharging men on account of their membership or intended membership in a trade union; but these acts have been invalidated on constitutional grounds, and labor no longer seeks this sort of class legislation.

The right to strike—so the radical labor argument runs—implies the right to *threaten* a strike. It would be manifestly illogical to assert that we may not announce an intention to commit a lawful act. The word "threat" is an unpleasant one, and the use of it in judicial opinions occasionally reveals confusion of thought. A little reflection will satisfy any thinking person that it cannot be wrong to threaten that which we may proceed to execute. The greater includes the less.

Again, any man has the right to advise and persuade another man to do anything which he may lawfully do. If A may strike, B may advise him to strike. An injunction to restrain the officers of a labor organization from *declaring* a strike was issued by a federal court some months ago, but it was promptly dissolved by the same court, and the opinion justifying this action was decidedly favorable to labor's view of the issue.

Suppose now that a strike has occurred in a given industry, and that the employer or employees refuse to yield. What then?

Assuming the desire and determination of the strikers to remain within the limits of lawful activity, what more can they do to enforce their demands? "Nothing more," say many. The strikers must retire to their several homes and passively await developments. If other men can be secured to take the vacated places, the strike is lost; if the strikers cannot be replaced, the employer will capitulate and sue for peace.

But organized labor is far from accepting this doctrine regarding the limits of its rightful activity in connection with a strike. It has a very elaborate and effective post-strike program. It resorts to (1) picketing and (2) boycotting. The former practice it defends on the ground that the striker has a right to *persuade* and induce fellow-workmen to join with him, or to abstain from taking the place he has vacated. Theoretically, the picket is stationed merely to watch establishments under "strike law," give information to intending applicants for work, and exhort these to respect "the eleventh commandment"—"Thou shalt not take thy brother's job." In other words, picketing is based on the rights of free speech, moral suasion, and free locomotion. When it degenerates into intimidation and assault, it concededly becomes criminal, and, as we have said, no responsible unionist justifies violence by picket, striker, or bystander.

Boycotting is defended (it was defended before the Gray Commission by Messrs. Mitchell and Gompers) as amounting merely to the quiet, peaceable withdrawal of patronage from unfair, unfriendly, or objectionable persons. The argument, in brief, runs thus: Am I bound to patronize this or that butcher, tailor, or dry-goods merchant? May I not, for any reason whatever, transfer my custom to another butcher, tailor, or merchant? May I not deal with those who are friendly to me and leave severely alone those who are hostile or disobliging? If I may, and if every other man similarly aggrieved may do the same thing, the legitimacy of organized and collective boycotting is established.

To multiply illustrations would be a waste of space. It is plain that all these positions are strictly and radically individualistic. They imply that the only limit on conduct is the equal

right or freedom of one's fellows, and that numbers do not affect the moral quality of an act. What each may do individually, say the labor leaders constantly, all may do in concert. And vehemently do they protest against the traditional, common-law view that an agreement of several persons to do a thing lawful in individuals may be a conspiracy, a wrong properly punishable. Bills have been introduced in Congress (and reported favorably by judiciary committees, by the way) to relieve unions from the burden of the conspiracy law, and to legalize collective boycotting and similar practices.

It is unfortunate that the opponents of trade unionism do not differentiate between such abuses as are indefensible from any non-revolutionary point of view (violence, rioting, intimidation, etc.), and alleged abuses which may be, and are, justified on debatable grounds. Indiscriminate, wholesale denunciation does not promote peace. The truth is that employers and spokesmen of the employing class freely and unhesitatingly employ the very arguments which they condemn as utterly unsound and dangerous when union leaders advance them. At bottom there is no clear *issue* between employers and unions.

Do not employers form defensive and offensive combinations? They do not call them trade unions, but things, not names, matter. Some of these employers' unions, alliances, and combinations are secret, and workmen regard them as "conspiracies against labor." Employers do not picket union headquarters or homes, but they boycott objectionable unionists. Their boycotting is called blacklisting, but neither morally nor legally does an employer's blacklist differ from a unionist "unfair list."

And how do employers defend blacklisting? The pleas made in their behalf in the courts read like the pro-boycott arguments of labor leaders. May not an employer discharge a workman, in the absence of a contract, for any reason whatsoever? May he not keep a list of men so discharged? May he not send this list to a fellow-employer? May not a number of employers maintain and publish a common list of undesirable workmen? Courts have upheld the blacklist on these grounds, without realizing that the same reasoning sustains collective boycotting!

Labor leaders have not overlooked this remarkable circumstance. They have called attention to the decision of Judge Rogers, of the United States district court at St. Louis, in which it was strongly affirmed (1) that an agreement by any number of persons to do a lawful thing is not a conspiracy; (2) that employers may maintain and circulate a blacklist, provided that its contents be truthful; (3) and that employers may deprive workmen of opportunities to earn a livelihood, and even combine to attack and destroy organizations of employees, by means of blacklisting agreements.

No labor leader has ever gone beyond the position taken in this judicial opinion. Substitute the word "boycotting" or the words "peaceable picketing" for the word "blacklisting," and every contention of organized labor is sustained. We repeat, there is no theoretical *issue* between organized labor and organized capital, since neither side honestly and earnestly denies what the other side affirms. Both invoke the same individualist principles, and both ignore or depart from the professed doctrines when self-interest appears to render it convenient, for the moment, to do so. Labor forgets its individualist principles when it demands eight-hour laws; employees drop their "natural law" and "freedom from dictation and interference" when questions of protection, subsidies, bounties, coastwise trade laws, etc., are under discussion. The consumer's "natural right" to buy and sell where he pleases, neither employers nor employed think it necessary to take into account.

What, then, in view of these facts is the labor question? If labor were socialistic and capital individualistic, there would be a great question; conversely, if labor were consistently individualistic and employers bent upon subordinating individual to social claims, upon qualifying the *laissez-faire* doctrine upon which the industrial order is supposed to be based, there would emerge an issue of the highest importance. As matters actually stand, it is impossible to formulate an issue.

The union movement is simply an expression of dissatisfaction with *certain results* of an accepted system of production and distribution, not with the system itself. This dissatisfaction

begets violence and disturbance, which all good citizens deplore and condemn; but no one ventures to justify the violence and disorder, and, philosophically speaking, the union question is not a question of putting down lawlessness.

But the complaint is that labor is "unreasonable." It makes extravagant demands with regard to wages, hours of toil, the control of the output, the regulation of apprenticeship, the treatment of non-union men. Grant all this; but neither political economy nor ethics can draw the line between reason and unreason in these things, and legalism admits want of jurisdiction over questions of reasonableness and expediency. Is competition always "reasonable"? Does the law attempt to enforce the dictates of reason in the business world? Are the corporations and the trusts reasonable? Are the quasi-public agencies reasonable in their dealings with the consumers?

Passion, prejudice, ignorance, resentment make men unreasonable, but psychologists tell us that no rational being is deliberately and consciously unreasonable. Professor G. L. Dupart, in his *Morals: A Treatise on the Psycho-Sociological Bases of Ethics*, recently translated into English, tells us that "even the most passionate almost always *wish* to act reasonably and try to understand and to make their action and their choice understood by indicating the why and the wherefore." Man, he continues, "seeks as a rule the reason of his choice in a perfectly human motive, *the desire for systematic action*, and he recognizes that he is only wrong [wrong only?] when it is proved to him either that his conduct is not coherent or that his choice lacks rationality;" and "reasonable conduct is that which is constituted by a series of well-linked acts, capable of forming *a systematic whole*."[1]

Apply these sound statements to the subject under consideration. To what "systematic whole" are unions referred by those who complain of their unreasonableness? What principles are commended to their attention? Have their newspaper and legal critics shown them how their conduct is to be made coherent? Certainly there is no hint at any system or philosophy in loose talk about arbitration, profit-sharing, publicity, etc. There is as

[1] Italics mine.

much confusion (as might, indeed, be expected) in the discussion of remedies for or solutions of the so-called labor question as there is in the efforts to formulate the question itself.

To what conclusion are we driven?

Gambetta once said: "There is no social question." He meant that while there were many social questions, it was idle to attempt to discover a common origin for them, to view them as subdivisions of one general and fundamental question. The truth is, there *is* a social question or problem, and the numerous branches of it cannot even be adequately studied without a proper comprehension of that larger and deeper question.

That question concerns the organization of industry as well as the determination of the conditions under which industry shall be carried on by labor and capital. And the question is manifestly a sociological one, since it has economic, political, and social aspects. What is called rather vaguely "economic justice" is a shorthand way of expressing the idea of economic relations under a régime of equal opportunity and the greatest amount of personal liberty compatible with social security, stability, and harmony. In other words, economic justice really presupposes political justice. When we speak of contracts, supply, demand, bargaining, etc., we imply that certain conditions exist in society, that such "low forms of competition" as murder, violence, robbery, duress, have been suppressed, and that individual liberty is not an empty term signifying nothing. Classical economists advocated *laissez-faire*-ism, but the *laissez-faire* policy may be grossly unjust. Buccaneers may wish to be let alone *after* securing their booty. The privileged classes in France wished to be let alone when their abuses were driving the masses into revolt and revolution. No one, not even the most stubborn British Tory, is demanding a *laissez-faire* policy for Ireland. Mr. Spencer's treatment of the perplexing land problem shows the futility of trying to realize justice without rectifying past wrong and error. He who says that he favors individualism must declare under what economic and political conditions he proposes to place the individual.

We shall solve the labor question when sociology shall have

solved the problem of the control and use of the natural media and the problem of the relation between the individual and the body politic. Writers like Cliffe Leslie, Arnold Toynbee, and Dr. Ingram emphasized in their day the dependence of economic science upon sociology. Their teachings are almost forgotten, and it is high time the cry were raised, Back to the sociologist!

A scientific problem cannot be solved unscientifically. No wonder practical confusion is the only visible result of the haphazard efforts of the past. To denounce union men for submitting to tyranny, as Mr. Spencer did in recent years, is as easy as it is futile. Equally futile is the preaching of moral commonplaces to employers. What is our ideal in industry? What conditions are we desirous of bringing about? We can be certain of progress only when we have a goal in view and march toward it. Is co-operation the "coming" industrial system, as many thinkers are beginning to recognize? If so, must we count altogether on the play of private interests to produce the change, or is it possible and wise to assist nature? Crude legislation conceived in ignorance of economic and social principles is certainly not the sort of assistance one should desire, but scientific prevision is extremely valuable. If there is a science of society, such prevision is possible. If there is a science of society, the harmonizing of the interests of employers and employed is possible, though the process may involve revision of current theories of rent, interest, profits, and wages.

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